

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMANUEL REDDEN,)
)
Plaintiff,)
)
) Civil Action No. 05-238-GMS
v.)
)
WARDEN KEARNEY, SGT. DUKES,)
And C/O WALKER,)
)
Defendants.)

**DEFENDANTS' MOTION
FOR ENLARGEMENT OF TIME**

COMES NOW, the Defendants Warden Rick Kearney, Sgt. Wayne Dukes and C/O Samuel Walker (“Defendants”) by and through undersigned counsel, and hereby moves this Honorable Court to enter an Order, granting an enlargement of time pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, in which to file a dispositve motion in the above-captioned case. In support of this Motion, the defendants state as follows:

1. Plaintiff Emanuel Redden (“Plaintiff”) is an inmate presently incarcerated at the Delaware Correctional Center (“DCC”), Smyrna, Delaware. On April 25, 2005, plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 with leave to proceed *in forma pauperis* alleging Eighth and Fourteenth Amendment constitutional violations against the above mentioned defendants. The plaintiff alleges that on July 18, 2004, while housed in the Medium Security Unit at Sussex Correctional Institution (“SCI”) he injured his left knee on a “pointed piece of steel” protruding from the edge of his bunk which subsequently blistered causing him extreme pain. (Complaint, *passim*). (D.I. 2).

Plaintiff further alleges that despite filing a "couple of sick call slips" he had to wait six days before being admitted to the infirmary to receive treatment. *Id.*

2. On or about May 26, 2006, defendant filed an Answer. (D.I. 11). On or about July 24, 2006, a Scheduling Order was issued. (D.I.12) The Order is as follows: Joinder of Parties and Amended Pleadings due by September 20, 2006, Discovery due by January 19, 2007 and dispositive motions due by February 19, 2007. On or about July 26, 2007, an Amended Scheduling Order was issued changing the due date of dispositive motions from February 19, 2007 to February 20, 2007. (D.I. 16). On or about January 17, 2007, the plaintiff was deposed at the DCC. (D.I. 18).

3. Presently, defendants' counsel is on medical leave necessitating the re-assignment of this case. The new deputy will maintain her own caseload while simultaneously assuming additional responsibilities not only in this case, but in others, requiring more of her time. For these reasons, an enlargement of time of thirty (30) days from the February 20, 2007, date until on or before March 22, 2007, is requested in order to file a dispositive motion in this matter.

4. This request for an enlargement of time is made to allow sufficient time for counsel to disseminate the necessary documentation in order to file an appropriate response.

5. This is defendants first request for an extension of time.

6. There is no trial date scheduled in this case.

7. A form of order is attached to this motion that will grant the defendants a thirty day (30) day extension from February 20, 2007, until on or before March 22, 2007, in which to file defendants' dispositive motion.

WHEREFORE, the defendants respectfully request that this Honorable Court grant their Motion and enter an Order, substantially in the form attached hereto, enlarging defendants' time to file a dispositive motion until on or before March 22, 2007.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Linda Carmichael
Linda Carmichael, ID#3570
Deputy Attorney General
Department of Justice
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302)577-8400
Attorney for Defendant

Dated: February 16, 2007

CERTIFICATE OF SERVICE AND MAILING

I hereby certify that on February 16, 2007, I electronically filed *Defendants' Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I hereby certify that on February 16, 2007, I have mailed by United States Postal Service, the document to the following non-registered participant: Emanuel Redden, SBI #0092507 Delaware Correctional Center; 1181 Paddock Road; Smyrna, DE 19977.

/s/ Linda Carmichael

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